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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,617	10/31/2003	Michael J. Banchieri	3772P026	9887

8791 7590 12/04/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

HUGHES, JAMES P

ART UNIT PAPER NUMBER

2883

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/698,617	<b>Applicant(s)</b> BANCHIERI, MICHAEL J.	
	<b>Examiner</b> James P. Hughes	<b>Art Unit</b> 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-25 is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-14 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 15 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments, see pages 10-12, filed September 11, 2006, with respect to claims 20-25 have been fully considered and are persuasive. The rejections have been withdrawn. Applicant persuasively argues that Fukuoka and the plunger actuator Hess do not read on claims 20-25.

### ***Claim Objections***

3. Claim 11 is objected to because it does not clearly present the claimed invention. The claim reads "when the cable is released is used until the jaw . . . ." It is unclear as to what is recited. Additionally the claim potentially recites to different statutory classes if inventions –method and apparatus.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-7, 10-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schweitzer (4,646,006). Schweitzer teaches an apparatus comprising a base (e.g. 10), a jaw assembly (e.g. 26,27), and a latch (e.g. 37,38) coupled to the base (10) to hold the jaw open, the jaw assembly defining an aperture (see Fig. 4) when open, the latch allows the jaw assembly to close around a cable (e.g. 11) automatically to secure the cable in response to insertion of the cable into the aperture. A release mechanism (e.g. the ends of arms 26 and 27 of fig. 6) is coupled to the base and jaw assembly. When the cable is inserted into the aperture it interacts with a helical round actuator (spring 37), which may release the latch when depressed by the cable. See e.g. Col. 3, ll. 20 – Col. 5, ll. 40 and Fig. 3-6)

Regarding claims 6 and 12 while Schweitzer does not explicitly teach an light cable, as it is well known that electrical and light cables are analogous in the cable management art and may be carried together, it would have been obvious to one of ordinary skill in the art at the time of the invention to employ the a light transmissing cable in the invention of Schweitzer.

#### ***Allowable Subject Matter***

The following are statements of reasons for the indication of allowable subject matter.

5. Claims 8, 9, 15, and 19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 8 would be allowable because the prior art of record fails to teach or fairly suggest an apparatus including a second channel coupled to the base and to a light source

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to supply light to the channel and the light cable; in combination with the other recited limitations in the claim and its parent claim. Claim 9 would be allowable by virtue of its dependence on claim 8.

Claims 15 and 19 would be allowable because the prior art of record fails to teach or fairly suggest a method or means for activating a light source coupled with the actuator in response to the activating the switch, and directing light from the light source through the actuator into the light transmission cable; in combination with the other recited limitations in the claims and their parent claims.

6. Claims 20-25 are allowable. Claim 20 is allowable because the prior art of record fails to teach or fairly suggest an apparatus comprising; a plunger actuator having a plunger portion to extend through the aperture, to receive a cable, a latch coupled to the base to hold the jaw assembly open, wherein the latch is released by the slide actuator when the cable is inserted in the aperture; in combination with the other recited limitations in the claim and its parent claim. Claims 21-25 would be allowable by virtue of their dependence on claim 20.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references listed on the attached PTO-892 are relevant to the claimed invention.

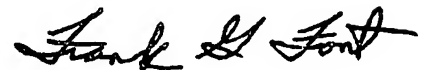
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James P. Hughes whose telephone number is 571-272-2474. The examiner can normally be reached on Monday - Friday 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James P. Hughes  
Patent Examiner  
Art Unit 2883



Frank G. Font  
Supervisory Patent Examiner  
Technology Center 2800